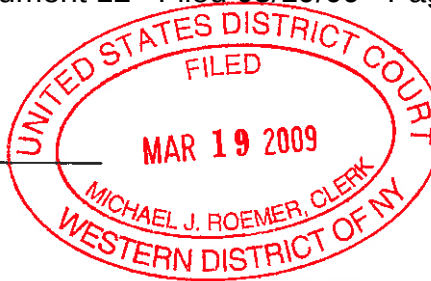


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA,

ORDER OF REFERRAL
TO TAKE GUILTY PLEA

vs.

09-CR-6017

MARCUS TUBBS,

Defendant.

The above-referenced criminal case is hereby referred to United States Magistrate Judge JONATHAN W. FELDMAN, with the consent of the defendant, to take defendant's plea of guilty, to conduct an allocution, pursuant to Rule 11 of the Federal Rules of Criminal Procedure, and to (A) determine if the plea is knowingly and voluntarily made and not coerced, and (B) recommend if the plea of guilty should be accepted, reporting to the undersigned as soon as is practicable.

IT IS SO ORDERED.

Dated: March 19, 2009
Rochester, New York



DAVID G. LARIMER
U.S. District Judge

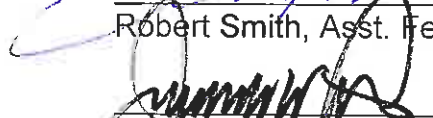
STIPULATED AND AGREED, by and between the undersigned, counsel for respective parties:

Dated: March 19, 2009
Rochester, New York


Marcus Tubbs, Defendant


Jennifer Noto, Asst. U.S. Attorney


Robert Smith, Asst. Federal Defender


Jonathan W. Feldman
U.S. Magistrate Judge